

Remarks

Claims 1-34 are pending in the present application. Claims 7-9 and 29-34 have been allowed, while claims 10-12 and 18-20 have been objected to but indicated allowable if rewritten in independent form, thereby leaving claims 1-6, 13-17, 21, 22, and 24-28 at issue.

Applicants respectfully traverse the rejection of the claims at issue as obvious over Bostic '037 in view of Staggs.

Claim 1 and claims 2-6 and 10-14 dependent thereon now recite in part "pressure relief apparatus operable to vent a pressure increase in the sealed cavity to ambient surroundings." Claim 15 and claims 16-28 dependent thereon now recite in part "a joined section" that is "operable to vent a pressure increase from within the cavity to ambient surroundings to limit pressure in the cavity." There is no teaching or suggestion in Bostic U.S. Patent No. 5,865,037 or Staggs U.S. Patent No. 5,271,244, either individually or in combination, of these highly advantageous features recited in claims 1 and 15.

Bostic discloses first and second evacuated chambers. The air is removed from these chambers to improve the insulative properties thereof. This type of evacuated chamber technology is somewhat typical of various commercially available containers bearing the THERMOS® mark. The first chamber, seen in FIG. 2, houses an insulation material 21. A pump 30 (FIG. 4) is used to evacuate air from this first chamber. The second chamber, also seen in FIG. 2, houses a thermal device 60 (which can be either a hot or cold element). This second chamber is basically a storage space for food or other items one wishes to keep hot or cold. Upon placement of food or another item in the second chamber, a user may seal the second chamber with a cover 11. The user then removes air from the second chamber with a pump 50 to maintain the food or other item(s) hot or cold for a prolonged period of time.

Staggs discloses a container 40 (FIG. 2), which includes a cavity (i.e., refrigerant compartment 58 (FIG. 10)) housing a refrigerant 42 (FIG. 4). This compartment 58 includes an expansion absorber 48 (FIGS. 6, 7, 11) that compresses when the refrigerant 42 freezes and expands. The expansion absorber 48 avoids the need for dead air space within the compartment 58. The examiner has referred to a "seal gasket" means discussed in columns 25 and 26 and also seen in claim 1. The seal gasket 56 (FIG. 10) is provided to hermetically

seal the compartment 58, and there is no disclosure of the gasket 56 venting a pressure increase.

The prior art must disclose at least a suggestion of an incentive for the claimed combination of elements in order for a *prima facie* case of obviousness to be established. *See In re Sernaker*, 217, U.S.P.Q. 1 (Fed. Cir. 1983); *Ex Parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). Accordingly, because neither Bostic nor Staggs, individually or in combination, teaches or suggests the recited pressure relief apparatus, the claims of the present application are patentable thereover. Particularly, neither reference discloses that it would be desirable or even possible to provide an apparatus that vents a pressure increase to ambient surroundings, which is a highly desirable advantage over prior art containers.

Reconsideration and allowance of the foregoing claims are respectfully requested.

Respectfully submitted,

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